

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

NATIONWIDE MUTUAL INSURANCE COMPANY,

Plaintiff,

v.

Civil Action No. 5:07CV140
(STAMP)

ESTATE OF TINA FLUHARTY, deceased,
MONICA HUNTER as Executrix of the
Estate of Tina Fluharty
ESTATE OF JAMES FLUHARTY, deceased
and NATHAN FLUHARTY as Executor
of the Estate of James Fluharty,

Defendants.

ORDER DIRECTING CLERK TO DEPOSIT AVAILABLE PROCEEDS

On October 31, 2007, the plaintiff, Nationwide Mutual Insurance Company, filed a complaint for interpleader with this Court. Because the defendants in this action have conflicting claims, the plaintiff asserts that it may be exposed to double and/or multiple liability. There remains Fifty Thousand Five Hundred Ninety Eight and 60/100 Dollars (\$50,598.60) of available proceeds of the insurance policy at issue. The plaintiff requests that this sum be deposited pursuant to 28 U.S.C. § 2041 in an interest bearing account at a federally insured bank to be opened in the name of Nationwide Mutual Insurance Company, Federal Identification No. 55-6077075, with the Clerk of the United States District Court for the Northern District of West Virginia to be named trustee of the Fifty Thousand Five Hundred Ninety Eight and 60/100 Dollars (\$50,598.60) in this bank account. While the complaint for interpleader filed in this civil action indicates

that the plaintiff has deposited the Fifty Thousand Five Hundred Ninety Eight and 60/100 Dollars (\$50,598.60) with the Clerk of this Court, the Clerk indicates that no such funds have been received. Upon the Clerk's receipt of the funds, plaintiff's request is hereby GRANTED and the Clerk is DIRECTED to deposit the sum of Fifty Thousand Five Hundred Ninety Eight and 60/100 Dollars (\$50,598.60) in the manner requested by the plaintiff.

IT IS SO ORDERED.

The Clerk is directed to transmit a copy of this order to counsel of record herein.

DATED: November 5, 2007

/s/ Frederick P. Stamp, Jr.
FREDERICK P. STAMP, JR.
UNITED STATES DISTRICT JUDGE